

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CELL AND NETWORK SELECTION LLC,	§
	§
Plaintiff,	§
	§
v.	§ Civil Action No. 6:13-cv-00403-LED-KNM
	§
AT&T INC., AT&T MOBILITY LLC, SIERRA WIRELESS, INC., and SIERRA WIRELESS AMERICA, INC.,	§ Jury Trial Demanded
	§
Defendants.	§
	§

**JOINT MOTION FOR DISMISSAL WITH PREJUDICE
OF DEFENDANTS SIERRA WIRELESS, INC.
AND SIERRA WIRELESS AMERICA, INC.**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, Plaintiff Cell and Network Selection LLC (“CNS”) and Defendants Sierra Wireless, Inc. and Sierra Wireless America, Inc. (collectively, “Sierra Wireless” or “Defendants”) hereby jointly move for dismissal *with prejudice* of all claims by CNS against Sierra Wireless and all counterclaims of Sierra Wireless against CNS.

The parties further move this Court to order that all costs and expenses relating to this litigation shall be borne by the party incurring same, and that all rights of appeal are waived. A proposed Order accompanies this Motion pursuant to Local Court Rule CV-7(a).

Dated: October 3, 2013

Respectfully submitted,

By: /s/ Ronald F. Lopez

Ronald F. Lopez
California State Bar No. 111756
rflopez@nixonpeabody.com
NIXON PEABODY LLP
One Embarcadero Center, 18th Floor
San Francisco, CA 94111-3600
Tel.: 415.984.8200
Fax: 415.984.8300

ATTORNEYS FOR DEFENDANTS
SIERRA WIRELESS, INC., AND
SIERRA WIRELESS AMERICA, INC.

By: /s/ Andrew G. DiNovo

Andrew G. DiNovo
Texas State Bar No. 00790594
adinovo@dpelaw.com
Adam G. Price
Texas State Bar No. 24027750
aprice@dpelaw.com
Chester J. Shiu
Texas State Bar No. 24071126
cshiu@dpelaw.com
John D. Saba, Jr.
Texas State Bar No. 24037415
jsaba@dpelaw.com
DiNovo Price Ellwanger & Hardy LLP
7000 N. MoPac Expressway
Suite 350
Austin, Texas 78731
Telephone: (512) 539-2626
Telecopier: (512) 539-2627

Eric M. Albritton
Texas Bar No. 00790215
ema@emafirm.com
Michael A. Benefield
Texas State Bar No. 24073408
mab@emafirm.com
ALBRITTON LAW FIRM
P.O. Box 2649
Longview, Texas 75606
Telephone: (903) 757-8449
Facsimile: (903) 758-7397

ATTORNEYS FOR PLAINTIFF
CELL AND NETWORK SELECTION LLC

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to FED. R. CIV. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this the 3rd day of October, 2013.

/s/ Andrew G. DiNovo
Andrew G. DiNovo